

# ANDREWS' BID DENIED



**FIGURES IN ANDREWS' TRIAL**—Appearing at the Criminal Courts Building today in answer to subpoenas for the perjury trial of attorney Dean A. Andrews Jr. are, left, insurance salesman PERRY R. RUSSO, escorted by DA investigator SAL SCALIA, and, at right, French Quarter bar operator EUGENE C. DAVIS.

# MISTRIAL BY COURT

## State Opens Case

The state got off to a rocky start in presenting its perjury case against Dean Adams Andrew Jr. today as a mistrial motion marked the opening moments before the jury.

The motion was denied by Criminal District Judge Frank Shea, but he ordered the jurors to disregard a remark by Asst. Atty. James L. Alcock which led to the mistrial motion by Andrews and defense attorney Harry Burglass.

ALMOST IMMEDIATELY after the five-man jury was selected, Alcock approached the bench and told Judge Shea:

"I herewith deliver to you copies of inculpatory statements made by the defendant."

The word "inculpatory" means statements not in the best interests of the defendant, such as a confession.

Andrews rose and asked that the court move for a mistrial on the grounds that the word "inculpatory" applied to the documents in open court had "planted a seed in the jury's mind."

The judge called a recess to decide on

the motion. When court resumed, he denied it and instructed the jurors to "act as though it had never been said."

Burglass said he was reserving a bill of exceptions for a possible appeal.

JUDGE SHEA, obviously irritated, turned to each of the three jurors who said they heard the remark and asked that the record show they had said they heard the remark but that it would not influence them.

Andrews, a former Jefferson Parish assistant D.A., is charged on 11 counts of perjury in connection with D.A. Jim Garrison's probe of the slaying of President John F. Kennedy.

The jury, which will be locked up tonight at the Fontainebleau Motor Hotel, was completed about 1:30 p. m.

MEMBERS OF the jury are:

William E. Bailey, 526 Pelican ave., Algiers, a Greyhound bus mechanic.

Joseph L. LaPierre Jr., Negro, 4435 DeBore dr., New Orleans, a postman.

Walker T. Nicklaus, 927 Atlantic ave., Algiers, a Southern Pacific Railroad yard-

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# NEW ORLEANS STATES-ITEM

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# Mistrial Motion Denied

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man, Leslie J. Russell Jr., 8230 Furshey, New Orleans, a sales representative for New Orleans Public Service.

Henry R. Nuss, 8306 Nelson, New Orleans, a gas operator for Union Carbide.

The alternate is James S. Boudreaux Sr., Negro, 1327 Abundance, New Orleans, a mail carrier.

## THE JURY SELECTION

process had to be reopened after one started upon jury. Nuss, approved by the state, was objected to by the defense because he said he had already formed an opinion in the case. However, under questioning by Judge Shea, Nuss said he felt he could hear the trial objectively and the judge overruled the defense objection.

The only woman on the jury venire, Loretta H. Linn, 5639 Oxford, was rejected by the state.

This morning, Burglass went to bat for Andrews for the first time and promptly struck out on three straight motions.

Burglass, who took over the defense from Andrews himself, offered the following motions to Judge Shea:

1. An oral request to the bench to be allowed to file a motion to suppress evidence.

2. A motion to file further evidence on the issue of the ousting of District Attorney Jim Garrison and his staff from the prosecution of the case.

3. A new and amended motion to quash the indictment against Andrews.

All three were promptly denied by Judge Shea, who earlier today rejected the original motion for recusal of Garrison and his aides. The first two days of the hearing had been taken up with arguments on this motion.

ACTING AS HIS OWN attorney through the first two days of the trial, he had sought recusal of Garrison on the grounds that the DA had

be reopened after one started upon jury. Thomas S. Abernathy, 3227 N. Roman, told Judge Shea he had to take an exam tomorrow. The judge who says he plans to hear the case through the weekend, recused Abernathy.

Nuss was selected to replace him. The defense objected to this procedure, claiming that Boudreaux, the alternate, should have been put on the regular jury and a new alternate selected.



HARRY BURGESS

a "personal interest" in the case.

Andrews had been expected to call more witnesses on the motion this morning but instead asked for an immediate ruling. He got an unfavorable one and Burglass took over the defense.

Burglass then filed his three motions.

Judge Shea ruled that the request to suppress evidence was a discretionary matter and denied it on the grounds that the defense did not give the bench 72 hours' notice as required.

AFTER A SHORT argument, Judge Shea turned down the motion to file further evidence on the recusal matter. The new evidence would have included the entire 22 volumes of the report of the Warren Commission which investigated the Kennedy slaying.

On the third motion, Burglass argued that the indictment was not clear and that Judge Shea lacked jurisdiction in the case, apparently on grounds that some of the alleged activity took place outside Orleans Parish.

Assistant DA James L. Alcock replied that if the alleged perjury did not take place in Orleans, the state does not have a case anyway.

EARLIER, JUDGE Shea took only a few minutes to reject the recusal motion.

Among the witnesses who had been scheduled to testify today was Perry Raymond Russo, Garrison's star wit-

ness in the Kennedy probe.

As court opened today, Andrews submitted a number of exhibits as evidence supporting his recusal motion and then said:

"Counsel submits the motion without argument, your Honor."

Alcock concurred in the request for a ruling.

Judge Shea studied the motion briefly and said:

"Motion to recuse is denied."

HE THEN RECESSED court and announced that jury selection would begin immediately after the recess.

Andrews, a former Jefferson Parish assistant DA, had called Russo, Dr. Esmond Fauter (a hypodermic specialist) and Orleans Parish Coroner Dr. Nicholas Chetta to testify today.

EUGENE DAVIS, a French Quarter bar owner who Andrews now says is the mysterious "Clay Bertrand" who called him the day after President Kennedy was shot seeking a defender for Lee Harvey Oswald, appeared at court today. He was called as a witness in the perjury trial.

Davis told newsmen his attorney, G. Wray Gill, will file a suit today "against a broadcasting media" because of

treatment Davis has received in news reports.

Andrews also promised some action today. He said, "I hope to bust something loose some place."

He added, "The fat man's got to go to the waps today."

At one brief recess yesterday, alone for a moment, Dean Andrews wiped briefly the tears forming behind the shield of his spectacles.

ANDREWS indicates that no matter the outcome of his trial, he's still in a stew. The former assistant DA, who maintained a legal practice on the side, says he's broke — no more law practice dwindled away.

"Most paupers got in a lot less than I've got," he said. "I've had good times, it's been him, but not lately."

Yesterday, Andrews filed a motion to quash the indictment against him on grounds that the grand jury was illegal because daily wage earners were systematically excluded. The motion was overruled by Judge Shea after Judge Bernard Bagert, summoned to testify on how he picked the jurors, said procedures were changed months ago to conform with a federal court ruling and that no class or race was excluded.

IN HIS EFFORT to get the appointment of a temporary DA to prosecute him, Andrews says the charge against him was the result of a "carefully prepared plan to force me to identify Clay Shaw as Clay Bertrand or keep quiet."

Shaw, a retired New Orleans businessman, has been accused of using the alias of Bertrand and participating in a conspiracy to murder President Kennedy.

Garrison says he had never known the real identity of Bertrand and lied when questioned about it by the grand jury.

"I don't know from nothing," insists Andrews. "What I got is a vivid imagination. The moral to all this, brother-in-law, is keep your big mouth shut."

### **Sheridan Pushes Bid To Avoid Testifying**

Walter Sheridan, the televi-

sion newsmen accused of bribery in District Attorney Jim Garrison's assassination probe, has filed suit in federal district court seeking to enjoin Garrison from forcing him to testify before the Orleans Parish Grand Jury.

Also named in the suit is grand jury foreman Albert Labiche.

Sheridan was charged by the DA's office after the National Broadcasting Co. reporter participated in preparing an NBC special highly critical of the DA and his probe.

Milton E. Brenner, defense attorney, said that the DA's office will not attempt to get its client before the grand jury until the suit is resolved.

A hearing on the injunction has been tentatively scheduled for 9:30 a.m. Aug. 21 before Federal District Judge Alvin B. Rubin.